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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/686,538	10/14/2003	Norbert Hessbruggen	22661	9499
535	7590	07/09/2004	EXAMINER	
THE FIRM OF KARL F ROSS 5676 RIVERDALE AVENUE PO BOX 900 RIVERDALE (BRONX), NY 10471-0900			ROSS, DANA	
			ART UNIT	PAPER NUMBER
			3722	

DATE MAILED: 07/09/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/686,538

Applicant(s)

HESSBRUGGEN ET AL.

Examiner

Dana Ross

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3722

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
  - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
  - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
  - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 14 October 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 14 October 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 14 Oct 2003.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Drawings***

1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the “workpiece changer” of claim 12 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as “amended.” If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. The replacement sheet(s) should be labeled “Replacement Sheet” in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

*Specification*

2. The disclosure is objected to because of the following informalities:

The specification is inconsistent in its reference to parts of Applicant's invention. For example: Page 7, line 8, refers to "workpiece carriers 6 and 7". Page 7, lines 21-22 refer to "the workpiece holders 6 and 7". It is not clear what the reference numbers 6 and 7 is referencing. It is also noted that the Summary of the Invention, pages 2-6, refers to the "transverse slide" (page 3, line 15-16, for example) and "longitudinal slide" (page 3, line 16, for example). The Specific Description, pages 6-11, refer to the "transverse carriages 13 and 14" (page 7, line 18, for example) and "longitudinal carriages 11 and 12" (page 7, lines 14-15, for example).

The above is not meant to be all-inclusive. Applicant should review the specification to ensure consistent use of terminology within the disclosure, and between the disclosure and claim language.

Appropriate correction is required.

***Claim Rejections - 35 USC § 112***

3. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

4. Claims 1-15 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

Claim 1 claims both “two workpieces carriers” (line 8) and “workpiece holders” (line 10). The specification, Page 7, line 8-9, discloses “workpiece carriers 6 and 7” and further refers to “two workpiece holders 6 and 7” in line 23. It cannot be determined from the disclosure or the drawings what is being claimed as to the “workpiece carriers” and “workpiece holders”.

Claim 3, line 4, states “said cross slides each having a longitudinal slide”. It is not clear from the specification if the “longitudinal slide” claimed is the “longitudinal carriages 11 and 12” on Page 7, lines 14-15. It is not clear what is being claimed by the term “longitudinal slide”.

Claim 4, line 2, states “said cross slide comprises a transverse slide on the respective longitudinal slide”. It is not clear from the specification if this is the “transverse carriages 13 and 14 which are guided on vertical rails 34 and 35” on Page 7, lines 19-22. It is also noted that the term “transverse slides” is referred to in Claim 4, line 6. It is not clear what is being claimed by the phrase “transverse slides”.

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5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. Claims 1-15 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 claims both “two workpieces carriers” (line 8) and “workpiece holders” (line 10). It is not clear what the differences are between the “carriers” and “holder”.

Claim 2 states the tool carrier receives a tool for “turning, milling, grinding, drilling, boring and grinding”. It is noted that “grinding” is used twice in the claim. Clarification is requested on what is being claimed with regards to the two “grinding” tools.

Claim 3, line 4, states “said cross slides each having a longitudinal slide. It is not clear what is being claimed by the term “longitudinal slide”.

Claim 3, line 5, recites the limitation "the other longitudinal slide". There is insufficient antecedent basis for this limitation in the claim.

Claim 3, line 7, it is not clear what is meant by “feed motion”. It appears this should read “feed motion”. Clarification is requested.

Claim 4, line 2, states “said cross slide comprises a transverse slide on the respective longitudinal slide”. It is also noted that the term “transverse slides” is referred to in Claim 4, line 6. It is not clear what is being claimed by the phrase “transverse slides”.

Claim 4, lines 2-3, recite the limitation "the respective longitudinal slide". There is insufficient antecedent basis for this limitation in the claim.

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Claims 6 and 9, line 3, recites the limitation "the respective workpiece". There is insufficient antecedent basis for this limitation in the claim.

Claims 12, 15, it is not clear what is being claimed by "transverse slide".

Claim 13, it is not clear what is being claimed. Page 9, lines 15-16, of the specification states the "two longitudinal carriages 11 and 12 are structurally identical". It is not clear what is meant in claim 13, line 4, by "the lateral parts being of different length".

Claims 13, 14, 15, it is not clear what is being claimed by the term "longitudinal slides".

The above is not meant to be all-inclusive. Applicant should review all claims to ensure proper antecedent basis and claim terminology consistent with the drawings and disclosure.

***Claim Rejections - 35 USC § 102***

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

8. Claim 1, as best understood, is rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Pat. No. 6,102,838 (Assie, hereafter referred to as '838).

'838 teaches a machine frame 300, machine M, two workpiece grippers 311 and 312 for carrying a crankshaft (workpiece), on a carriage 310, work stations S1 and S2 with outer workstations P2, P3, P4, P5, P6 (conveyor or buffer stock) (col. 5, lines 22-46, for example).

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***Conclusion***


9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dana Ross whose telephone number is 703-305-7764. The examiner can normally be reached on Mon-Thurs 6:00am to 4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrea Wellington can be reached on 703-308-2159. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

dmr

  
Daniel W. Howell  
Primary Examiner  
Art Unit 3722